

REMARKS

This responds to the Office Action dated September 17, 2008.

Claims 1, 3, 9, 11, 19, 21-23 and 26 are amended, claims 2 and 20 are canceled, and no claims are added; as a result, claims 1, 3-19 and 21-37 are now pending in this application.

A complete set of replacement drawings (12 sheets) is enclosed. Figures 2 and 3 have been amended to more accurately draw a line call out for handle assembly 150, as discussed above. Applicant respectfully submits that these amendments are only intended to correct a minor error.

Consideration of amended Figures 2 and 3 is respectfully requested.

Claims 1, 11, 19, 23 and 26 are amended in part to provide a minor change in terminology. For instance, claim 1 recites a first tubular support engaged around the flexible element therein. In another example, claim 11 recites a first tubular support engaged around the flexible element. In yet another example, claim 19 recites a first tubular support engaged around the flexible element. In still another example, claim 23 recites a first tubular support engaged around the flexible element. Further, claim 26 recites a first tubular support engaged around the flexible element. Applicant respectfully submits that these terminology amendments to claims 1, 11, 19, 23 and 26 are not related to patentability, do not include new matter, and are only meant to clarify that the claimed tubular support extends around the flexible element.

Reconsideration and allowance of claims 1, 11, 19, 23 and 26 are respectfully requested.

§102 Rejection of the Claims

Claim 19 was rejected under 35 U.S.C. § 102(b) for anticipation by Hayzelden (US 2003/0050598). Applicant respectfully traverses this rejection for at least the following reason. Applicant cannot find in Hayzelden, for example, means for constraining lateral movement of the flexible element within the actuator lumen, wherein the means for constraining is correspondingly movable with movement of the flexible element and is separate from the flexible element, the means including a first tubular support engaged around the flexible element

and coupled to an actuator mechanism disposed within the housing, and a second tubular support coupled to a surface defining the actuator lumen and slidably engaged with the first tubular support, as recited in claim 19.

Reconsideration and allowance of claim 19 are respectfully requested.

§103 Rejection of the Claims

Claims 1 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayzelden in view of Qin (US 5,807,249). Applicant respectfully traverses this rejection for at least the following reason. Applicant cannot find in the proposed combination, for example, a second tubular support telescopically engaged with the first tubular support, as recited in claim 1. Claim 10 depends from claim 1 and thereby includes all of its recitations.

Reconsideration and allowance of claims 1 and 10 are respectfully requested.

Allowable Subject Matter

Claims 11-18, 23-30 and 32-37 have been allowed. Applicant acknowledges the allowance of claims 11-18, 23-30 and 32-37.

Claims 2-9, 20-22 and 31 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant graciously acknowledges the allowability of claims 2-9, 20-22 and 31 and has amended claim 1 to include the recitations of claim 2. Applicant has amended claim 19 to include the recitations of claim 20. Applicant respectfully submits claims 1 and 19 appear to be in condition for allowance as discussed above. Claims 3-9 and 31 depend from claim 1 and thereby include all of its recitations. Claims 21 and 22 depend from claim 19 and thereby include all of its recitations. Claims 2 and 20 are canceled.

Reconsideration and allowance of claims 3-9, 21, 22 and 31 are respectfully requested.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 371-2117 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.


Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 371-2117

Date

12/10/08

By


Thomas C. Obermark
Reg. No. 55,506

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 10, 2008.

CANDIS BUENDING

Name

Signature

